



City of Pittsburg

Community Development Department – Planning Division

65 Civic Avenue, Pittsburg, CA 94565 | Tel: (925) 252-4920 | Fax: (925) 252-4814

Memorandum

MEMO: April 11, 2017
TO: Zoning Administrator
FROM: Jordan Davis, AICP, Associate Planner
RE: **Pittsburg High School Protected Tree Removal, AP-16-1212 (ZA)**

ORIGINATED BY: Prachi Amin, Pittsburg Unified School District, 2000 Railroad Avenue, Pittsburg, CA 94565.

SUBJECT: This is a public hearing on an application by Prachi Amin of Pittsburg Unified School District, requesting Zoning Administrator approval to remove one protected tree, as defined by Pittsburg Municipal Code (PMC) section 18.84.830(F). The project site is located within the public right-of-way at 351 School Street, in the GQ (Government/Quasipublic) District, along the southern border of Assessor's Parcel No. 086-201-001.

RECOMMENDATION: Staff recommends the Zoning Administrator adopt Resolution No. 297, approving Protected Tree Removal Application No. 16-1212, subject to conditions.

BACKGROUND

Removal of the subject tree is in conjunction with renovations to the portion of Pittsburg High School (PHS) located directly north of the project site. It should be noted that five additional trees have already been removed, though this was done prior to approval of a tree removal permit. The developer was notified of the violation in November 2016, and is currently in contact with the City regarding mitigation of the removal of the five protected trees.

PROJECT DESCRIPTION

Existing Conditions: The project site is within the public right-of-way, along the north side of School Street, just west of Harbor Street. Please see Attachment 2 for images showing the existing tree, and a map of surrounding land uses.

Proposed Project: The applicant is requesting an approval to remove one protected tree, as defined by PMC section 18.84.830(F). The subject trees are located within the public right-of-way along the northern side of School Street, just west of Harbor Street.

The removal of the protected trees is required for renovations to the portion of PHS located on the parcel directly north of the project site.

The ongoing renovation project is located on Pittsburg Unified School District (PUSD) property, and involves the construction of educational facilities. As such, renovation activities occurring on PUSD property do not require discretionary approval from the City; however, the City maintains authority only over development occurring beyond PUSD parcel boundaries, including the right-of-way along School Street, which extends to the back of the existing sidewalk.

In order to meet the requirements for tree replacement, the applicant is proposing to plant new, 15-gallon size trees at a 12-to-one ratio. In addition, as part of the renovation project, the applicant will be installing 19 new trees, including replacement of all removed trees.

GENERAL PLAN/ZONING COMPLIANCE:

General Plan: General Plan policy 9-P-19 requires that, as part of the City's Zoning Ordinance, the City establish regulations for the preservation of mature trees, and include measures for the replacement of all mature trees removed.

Zoning: PMC section 18.84.850, "Tree Removal Permit Procedure and Requirements," allows for the removal of protected native and non-native trees through the issuance of a tree removal permit approved by the Zoning Administrator. PMC section 18.84.855(A)(3) states that where it has been determined that preservation of protected trees associated with a construction or development project is infeasible, replacement plantings shall be required as part of the tree removal permit. Subject to the discretion of the decision making body, replacement options include planting new trees at a 12-to-one ratio with 15-gallon trees (PMC 18.84.855[A][1]).

Required Findings: Pursuant to PMC section 18.84.854(E), in order to approve the removal of a protected tree, the Zoning Administrator must find that either:

- A. the condition of the tree or trees with respect to disease, danger of falling and the potential for endangering other nearby trees warrants removal and such condition represents a risk to public health and safety and cannot be reasonably remedied through less drastic measure; or
- B. the burden to the applicant in preserving the tree or trees greatly outweighs the tree's or trees' benefit to the public or environment; or
- C. if part of a development plan, subdivision or other discretionary project, preservation of the tree or trees would severely reduce the scale or feasibility of the development.

Environmental: The proposed tree removal is exempt from the requirements of the California Environmental Quality Act (CEQA) under the general rule of the State CEQA

Guidelines, section 15061, in that the activity in question would not result in any direct significant negative physical impacts on the environment; the proposed tree removal would be subject to PMC section 18.84.855, "Replacement Trees," which requires the replacement of removed protected trees (as defined within PMC section 18.84.830[F] and not exempted under section 18.84.845[B]) at a 12-to-one ratio, and would result in an environmental benefit.

Public Noticing: On or prior to March 27, 2017, notice of the April 6, 2017, public hearing notice on this project (Attachment 4) was posted at City Hall, at and near the proposed project site, and on the "Public Notices" section of the City's website; was delivered to the Pittsburg Library; and mailed via first class or electronic mail to the property owner, the applicant, to all owners of property within 300 feet of the project site, and to all interested parties and individuals and organizations that requested such notice, in accordance with PMC section 18.14.010. On April 3, 2017, the City Clerk posted a notice cancelling and rescheduling, as well as continuing all items scheduled for the April 6, 2017, Zoning Administrator Hearing to April 11, 2017.

STAFF ANALYSIS:

The applicant is requesting permission to remove the subject tree in order to allow for replacement and relocation of utility infrastructure in conjunction with renovation of the Pittsburg High School campus. Staff believes the burden to the applicant, a local school district which represents the residents of Pittsburg within its jurisdiction, in preserving the tree greatly outweighs the tree's benefit to the public or environment. Preservation of the trees will significantly and negatively impact the budget for renovation of Pittsburg High School's educational facilities, which present a greater benefit to the City than the subject tree, particularly in light of the proposed condition requiring the applicant plant a minimum of 12 new, 15-gallon size trees to mitigate for the removal of the protected tree.

REQUIRED ACTION:

Move to adopt Resolution No. 297, approving Protected Tree Removal Application No. 16-1212, subject to conditions.

ATTACHMENTS:

1. Proposed Resolution No. 297
2. Existing Conditions and Surrounding Land Uses
3. Project Plans, dated December 14, 2016
4. Public Hearing Notice/Vicinity Map
5. Public Comments Letters, dated March 27, 2017, and March 28, 2017

PROPOSED

BEFORE THE ZONING ADMINISTRATOR OF THE CITY OF PITTSBURG

In the Matter of:

Resolution Approving the Removal of a)	Resolution No. 297
Protected Tree at 351 School Street, for)	
“Pittsburg High School Tree Removal, AP-)	
16-1212 (ZA).”)	

The Zoning Administrator DOES RESOLVE as follows:

Section 1. Background

- A. On December 21, 2016, Prachi Amin, on behalf of Pittsburg Unified School District (PUSD), filed Protected Tree Removal Application No. 16-1212, requesting Zoning Administrator approval of a permit to remove a protected tree, as defined by Pittsburg Municipal Code (PMC) section 18.84.830(F). The project site is located within the public right-of-way at 351 School Street, in the GQ (Government/Quasipublic) District, along the southern border of Assessor’s Parcel No. 086-201-001.
- B. On February 28, 2017, the Zoning Administrator submitted to the Planning Commission a Notice of Intent to exercise delegated authority for the subject application pursuant to Pittsburg Municipal Code (PMC) section 18.84.850(C).
- C. The proposed tree removal is exempt from the requirements of the California Environmental Quality Act (CEQA) under the general rule of the State CEQA Guidelines, section 15061, in that the activity in question will not result in any direct significant negative physical impacts on the environment; the proposed tree removal will be subject to PMC section 18.84.855, “Replacement Trees,” which requires the replacement of removed protected trees (as defined within PMC section 18.84.830[F] and not exempted under section 18.84.845[B]) at a 12-to-one ratio, and will result in an environmental benefit.
- D. On or prior to March 27, 2017, notice of the April 6, 2017, public hearing notice on this project was posted at City Hall, at and near the proposed project site, and on the “Public Notices” section of the City’s website; was delivered to the Pittsburg Library; and mailed via first class or electronic mail to the property owner, the applicant, to all owners of property within 300 feet of the project site, and to all interested parties and individuals and organizations that requested such notice, in accordance with PMC section 18.14.010. On April 3, 2017, the City Clerk posted a notice cancelling and rescheduling, as well as continuing all items scheduled for the April 6, 2017, Zoning Administrator Hearing to April 11, 2017.
- E. PMC section 18.84.850, “Tree Removal Permit Procedure and Requirements,” allows for the removal of protected native and non-native trees through the

issuance of a tree removal permit approved by the Zoning Administrator. Pursuant to PMC section 18.84.854(E), in order to approve the removal of protected trees, the Zoning Administrator must find that either:

1. the condition of the tree or trees with respect to disease, danger of falling and the potential for endangering other nearby trees warrants removal and such condition represents a risk to public health and safety and cannot be reasonably remedied through less drastic measure; or
2. the burden to the applicant in preserving the tree or trees greatly outweighs the tree's or trees' benefit to the public or environment; or
3. part of a development plan, subdivision or other discretionary project, preservation of the tree or trees will severely reduce the scale or feasibility of the development.

F. On April 11, 2017, the Zoning Administrator held a public hearing on Protected Tree Removal Application No. 16-1212, at which time oral and/or written testimony was considered.

Section 2. Findings

A. Based on all the information contained in the Planning Division files on this project, incorporated herein by reference and available for review in the Planning Division located at 65 Civic Avenue in Pittsburg, and based on all oral and written testimony presented at the public hearing, the Zoning Administrator finds that:

1. All recitals above are true and correct and are incorporated herein by reference.
2. The burden to the applicant, a local school district which represents the citizens of Pittsburg within its jurisdiction, in preserving the tree greatly outweighs the tree's benefit to the public or environment. Preservation of the trees will significantly and negatively impact the budget for renovation of Pittsburg High School's educational facilities, which present a greater benefit to the City than the subject tree, particularly in light of the proposed condition requiring the applicant plant a minimum of 12 new, 15-gallon size trees to mitigate for the removal of the protected tree.

Section 3. Decision

A. Based on the findings set forth above, the Zoning Administrator hereby approves Protected Tree Removal Application No. 16-1212, subject to the following conditions.

1. The project shall be completed in substantial conformity with the project plans dated December 14, 2016, and attached to this resolution as "Exhibit A," except

as hereinafter modified.

2. The applicant shall replace the removed tree at a minimum 12-to-one ratio with 15-gallon trees. The type and location of the replacement trees shall be subject to approval of the Public Works Director or their designee prior to installation. Alternatively, the applicant may submit payment of in-lieu fees equal to the replacement trees' value, installation costs and one year of maintenance costs, as calculated with a 12-to-one ratio of 15-gallon trees.
3. All site development shall comply with Title 15 (Building and Construction) of the PMC.
4. The developer shall comply with all requirements of the Pittsburg Building and Engineering Divisions, the Contra Costa County Fire Protection District, and all other applicable local, state and federal agencies. It is the responsibility of the business owner to contact each local, state, or federal agency for requirements that may pertain to this project.
5. The Standard Conditions of Development as adopted by the Pittsburg Planning Commission by Resolution No. 8931 shall apply as conditions of approval for this project as applicable. Where there is a conflict between this resolution and the Standard Conditions of Development, this Zoning Administrator resolution shall govern.
6. Developer agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person challenging the validity of this project approval, subsequent project approval, or other action arising out of, or in connection with, this project approval. The parties shall cooperate in defending such action or proceeding. The parties shall use reasonable efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel at applicant's sole cost and expense. Applicant may select its own legal counsel to represent applicant's interests at applicant's sole cost and expense. Applicant shall pay for City's costs of defense, whether directly or by timely reimbursement to City on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorney's fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent responding to and defending the claim, action or proceeding.
7. This approval will expire on April 11, 2018, unless the applicant has complied with all conditions of approval described herein, or a written request for extension is filed with the Planning Division prior to the expiration date and subsequently approved by the Zoning Administrator. In the event that the required replacement trees are not planted or in lieu fees are not paid in full, and this approval expires, the property owner shall be considered in violation of

the PMC, and shall be subject to administrative citations and/or civil sanctions.

Section 4. Effective Date

This resolution shall take effect immediately upon adoption of this resolution.

The foregoing resolution was passed and adopted the 11th day of April, 2017, by the Zoning Administrator of the City of Pittsburg, California.

KRISTIN POLLOT, AICP
ZONING ADMINISTRATOR



Fig. 3: Vicinity Map






Fig. 2: Existing Conditions



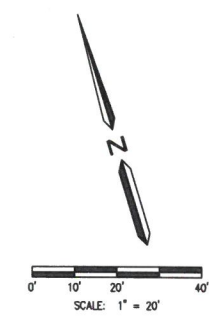
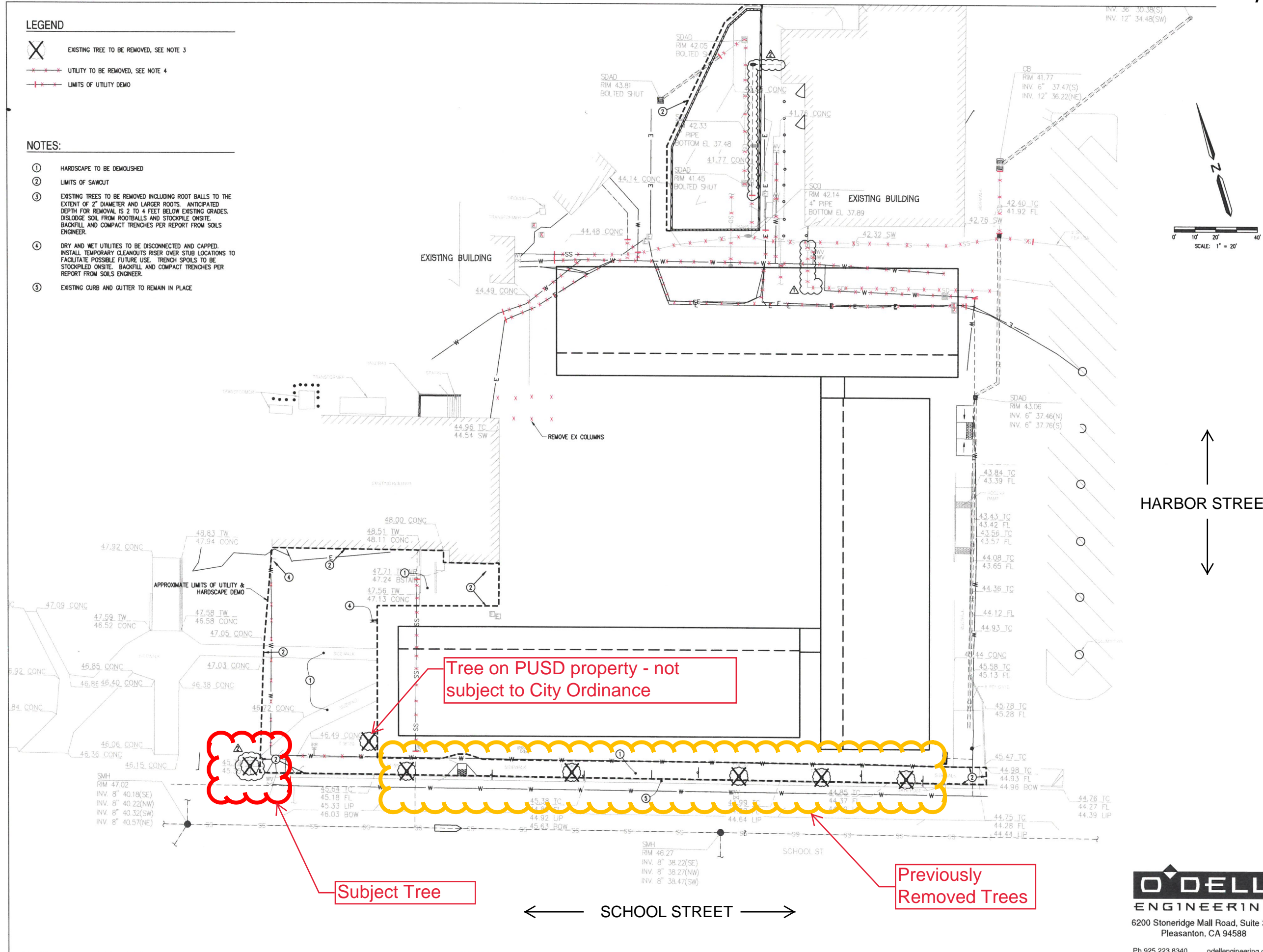
Fig. 3: Sycamore tree to be removed

LEGEND

-  EXISTING TREE TO BE REMOVED, SEE NOTE 3
-  UTILITY TO BE REMOVED, SEE NOTE 4
-  LIMITS OF UTILITY DEMO

NOTES:

- ① HARDSCAPE TO BE DEMOLISHED
- ② LIMITS OF SAWOUT
- ③ EXISTING TREES TO BE REMOVED INCLUDING ROOT BALLS TO THE EXTENT OF 2" DIAMETER AND LARGER ROOTS. ANTICIPATED DEPTH FOR REMOVAL IS 2 TO 4 FEET BELOW EXISTING GRADES. DISLODGE SOIL FROM ROOTBALLS AND STOCKPILE ONSITE. BACKFILL AND COMPACT TRENCHES PER REPORT FROM SOILS ENGINEER.
- ④ DRY AND WET UTILITIES TO BE DISCONNECTED AND CAPPED. INSTALL TEMPORARY CLEANOUTS RISER OVER STUB LOCATIONS TO FACILITATE POSSIBLE FUTURE USE. TRENCH SPOILS TO BE STOCKPILED ONSITE. BACKFILL AND COMPACT TRENCHES PER REPORT FROM SOILS ENGINEER.
- ⑤ EXISTING CURB AND GUTTER TO REMAIN IN PLACE




DERIVI CASTELLANCA ARCHITECTS

Central Valley
924 N Yosemite St
Stockton, CA 95209
(209) 462-2873
www.dca.com

Silicon Valley
95 S Market St, Suite 480
San Jose, CA 95113
(408) 320-4871

Professional Seals



PITTSBURG UNIFIED SCHOOL DISTRICT
PITTSBURG HIGH SCHOOL-NORTH ANNEX
NEW CLASSROOMS - INCREMENT #2

250 SCHOOL ST.
PITTSBURG, CA. 94565

IDENTIFICATION STAMP
DIV. OF THE STATE ARCHITECT
OFFICE OF REGULATION SERVICES
#01-115973
AC _____ FLS _____ SS _____
DATE: _____

SHEET TITLE:
DEMOLITION PLAN
SCALE: 1" = 20'

REVISIONS		
No.	Issue Description	Date
1	PLAN CHECK COMMENTS / RFI	11/17/16
2	DESIGN CHANGES	12/14/16

Drawn By: CZW
Checked By: RIC

JOB NO. 31140
DATE 12-14-2016

SHEET NUMBER
C-6
8 of 10

O'DELL ENGINEERING
6200 Stoneridge Mall Road, Suite 330
Pleasanton, CA 94588
Ph 925.223.8340 odellengineering.com



City of Pittsburg

Community Development Department – Planning Division

65 Civic Avenue, Pittsburg, CA 94565 | Tel: (925) 252-4920 | Fax: (925) 252-4814

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the **ZONING ADMINISTRATOR** of the **City of Pittsburg** will conduct a public hearing on:

DATE: April 6, 2017
TIME: 4:00 p.m.
PLACE: First Floor, Conference Room 4B
 65 Civic Avenue, Pittsburg, California

Concerning the following matter:

Pittsburg High School Protected Tree Removal, AP-16-1212 (ZA).

This is an application by Prachi Amin of Pittsburg Unified School District, requesting Zoning Administrator approval of a permit to remove six protected trees, as defined by Pittsburg Municipal Code (PMC) section 18.84.830(F). In order to meet the requirements for tree replacement, the applicant is proposing to pay in-lieu fees equal to the value of replacing the removed trees at a 12-to-one ratio (72 total trees), pursuant to PMC section 18.84.855(A)(3). The project site is located within the public right-of-way at 351 School Street, in the GQ (Government/Quasipublic) District, along the southern border of Assessor's Parcel No. 086-201-001.

PROJECT PLANNER: Jordan Davis, (925) 252-4015 or jdavis@ci.pittsburg.ca.us

Why am I receiving this notice? You are receiving this notice because you have either previously requested notifications from the Planning Division, or a project has been proposed in your neighborhood and all property owners within a minimum 300-foot radius of the project site are required to be notified under the Pittsburg Municipal Code.

Where can I get more information about this project?

The complete file for this project is available for public inspection at the Planning Division, weekdays during the hours of 8:00 AM to 12:00 PM and 1:00 PM to 5:00 PM. You can also find out more about the project by contacting the project planner listed above.

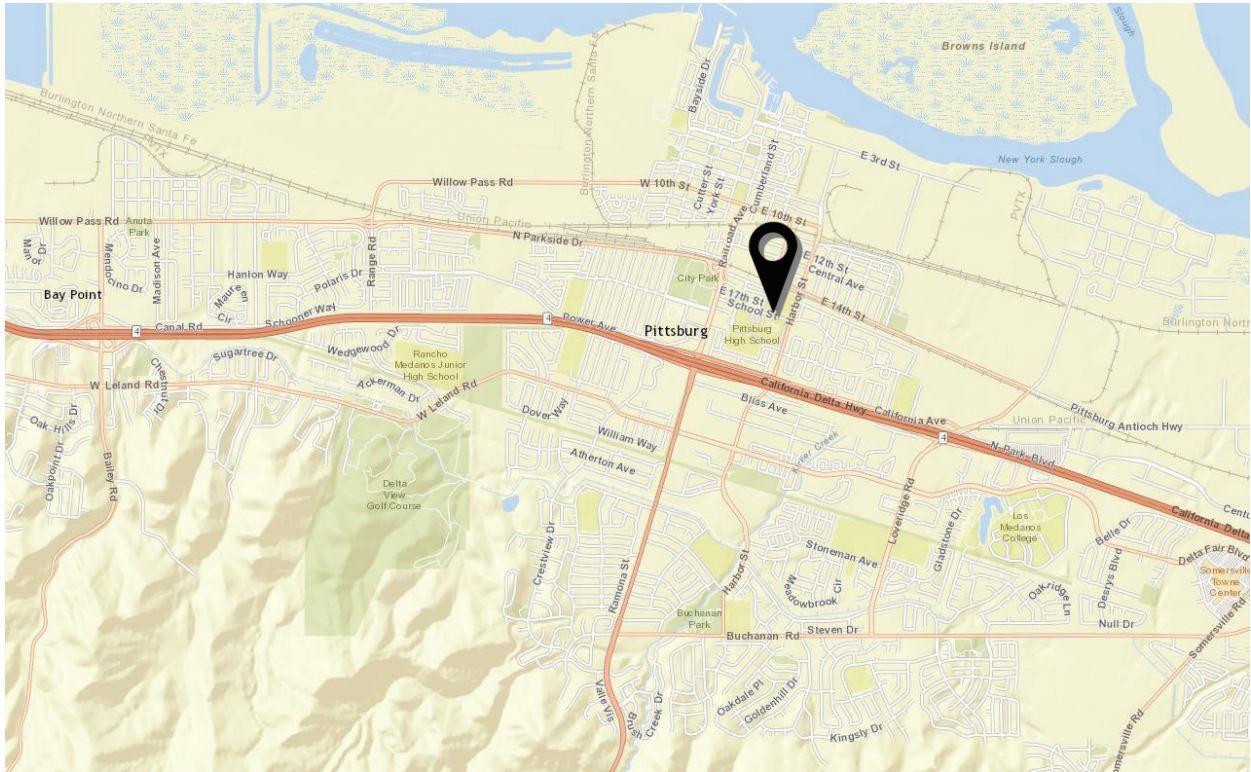
What can I do if I have comments on the project?

Comments or objections to the project can be made by writing or through oral testimony during the public hearing. Written comments citing the project name may be emailed to the project planner listed above, or may be mailed or delivered to: Pittsburg Planning Division, 65 Civic Avenue, Pittsburg, CA 94565. You may also register your comments or objections by attending the public hearing on the date and time listed above.

Pursuant to Section 65009 of the California Government Code, if you challenge this matter in court, you may be limited to those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on the matter delivered to this agency at, or prior to the public hearing. Any written correspondence delivered to the Planning Division before the hearing body's action on the matter will become a part of the administrative record.


 KRISTIN POLLOT, ZONING ADMINISTRATOR
 CITY OF PITTSBURG

Project Title: Pittsburg High School Protected Tree Removal, AP-16-1212 (ZA)
Location: 351 School Street, APN: 086-201-001



Jordan Davis

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Monday, March 27, 2017 4:54 PM
To: Kristin Pollot; Jordan Davis
Subject: [SPAM] Re: City of Pittsburg: Public Hearing Notices for 4/6/17

I am writing to ask that the City of Pittsburg Zoning Administrator deny the requested permit by Pittsburg Unified to remove six protected trees at or near 351 School Street. I ask that this email be included with all other public comments regarding this matter.

We need trees in our city and trees have value far beyond the price that applicant is offering to pay for approval of a permit to remove them. I ask that the permit be denied. It should not be the case that an agency or person is allowed to pay a fee and be able to remove protected trees from a neighborhood, especially because the trees are in protected status. Trees add value to neighborhoods.

We need more trees in Pittsburg, not fewer trees. Please protect the trees that we have and please deny the permit.

Thank you.

Darrin Atkins
Pittsburg, CA 94565

On Mar 27, 2017 4:06 PM, "City of Pittsburg" <webmaster@ci.pittsburg.ca.us> wrote:
Public Hearing Notices for 4/6/17
Posted Date: 3/27/2017

Zoning Administrator Hearing: 4/6/17, 4:00 p.m.

- [Pittsburg High School Protected Tree Removal, AP-16-1212 \(ZA\)](#)

To see all current public hearing notices, please [click here](#).

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Jordan Davis

From: Darrin Atkins <darrinatkins@gmail.com>
Sent: Tuesday, March 28, 2017 3:26 PM
To: Jordan Davis
Cc: Kristin Pollot
Subject: Re: City of Pittsburg: Public Hearing Notices for 4/6/17

Hello,

Please let me know what civil penalties will be assessed against applicant for violations of the city municipal code for illegally removing the five trees without a permit. I do not understand how this happened as the trees should have been in protected status and the applicant and/or its contractors should have known that they cannot remove trees at will without a permit. Pittsburg Unified has a duty of due diligence like all other applicants. They need to ask for and receive a permit like everyone else.

I do not understand why Pittsburg Unified had the trees removed without first having a permit. They need to know that this is unacceptable. I believe that the remedies discussed below, in terms of planting trees and paying in-lieu fees, are very much insufficient. Applicant's proposed number of trees to be planted in the neighborhood and on their property is very much insufficient to the damage caused by their unlawful removal of the five mature trees. I ask that the final tree be given permanent protected status and that applicant be ordered not to damage or destroy the final tree, or face substantial civil penalties.

Please communicate to Pittsburg Unified that they, and their contractors, are not to destroy or remove the final tree prior to a decision by the Zoning Administrator. Pittsburg Unified should not be able to destroy trees without applying for a permit, and then a hearing held, and a ruling presented by the Zoning Administrator. They need to understand that this is unlawful and they and their contractors have a duty to know the local municipal code.

Thank you.

Darrin Atkins

On Tue, Mar 28, 2017 at 2:39 PM, Jordan Davis <jdavis@ci.pittsburg.ca.us> wrote:

Mr. Atkins,

Thank you for your input in this matter. The six trees subject to this application are/were located along the right-of-way (sidewalk) on the north side of School Street, just west of the intersection of Harbor Street. These trees are not technically located on the parcel belonging to Pittsburg Unified School District, but along the southern border of the parcel. I have attached an image with a more close-up view of the site, highlighting the subject trees.

You are correct that the notice does not identify the age, height of the trees in question, or what the trees look like; this information is not normally identified or discussed in the public hearing notice sent out, but rather within the staff report prepared in advance of the public hearing, and which will be made available at least 72 hours prior to the hearing.

However, I can provide some background and answer your questions here also. The removal of these trees is proposed in conjunction with renovations to the portion of Pittsburg High School (PHS) located directly north of the project site. The trees needed to be removed to allow for utility infrastructure to be replaced and relocated. Five of the six subject trees have already been removed; this was done prior to approval of a tree removal permit. The applicant, which is PUSD, was notified by the City of the violation in November 2016, and subsequently submitted an application to legalize the removal.

In respect to your questions regarding the physical attributes of the trees that were removed, images from Google Earth show that the trees at approximately 20 feet tall. The removed trees were estimated to be about 50 years old. Again, the City did not permit the removal of these trees prior to their removal; as they were removed and cannot be put back in their previous condition, we must address the current situation as best we can.

Staff is looking to require the applicant pay fees equal to the replacement, planting, and care for one year, of 72 trees (a 12 to 1 ratio). To put this another way, the applicant will pay the City to plant and maintain 72 new trees throughout the City. In addition, the applicant proposes to plant 19 new trees around the high school renovation project, including in the locations where the five trees were removed and the sixth tree would be removed. Though these trees will not be as mature as the trees being removed, the City will experience a net gain of 85 trees.

The applicant has provided plans showing the trees to be removed, and these plans were submitted to the Planning Commission along with notice on February 28th. I have attached those plans here also. Staff believes it has adequate information to process the application based on the current situation. Again, this information as well as additional information and analysis of the application will be included in the staff report prepared for this item. Your letter in opposition will also be included. Once this report is prepared, I will make sure to send you a copy directly.

Please feel free to contact me if you have any further questions.

Jordan Davis, AICP

Associate Planner

City of Pittsburg, Planning Division

65 Civic Avenue, Pittsburg, CA 94565

Tel: [925.252.4015](tel:925.252.4015) | Fax: [925.252.4814](tel:925.252.4814)

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From: Darrin Atkins [<mailto:darrinatkins@gmail.com>]
Sent: Tuesday, March 28, 2017 9:24 AM
To: Kristin Pollot
Subject: Re: City of Pittsburg: Public Hearing Notices for 4/6/17

Ms. Pollot,

Do you have information on which specific trees applicant Pittsburg Unified School District is referring to in applicant's application for a permit to remove the trees? This is in regards to the public hearing planned for April 6, 2017, at 4:00 p.m.

I do not see anything on the Notice of Public Hearing that discusses the age, height and longevity of the trees in question, what the trees look like, or where the trees are physically located on the parcel. So this email is an objection and protest to the application as being incomplete and insufficient, because the application for the permit is vague and unclear. Please ask applicant to revise the application to include photographs and physical locations of all of the trees in question.

Please let me know if applicant will be asked to submit a revised application with more specificity. The public would like to know more details about the trees that applicant wants to have destroyed.

Thank you.

Darrin Atkins

51 Standley Ct

Pittsburg, CA 94565

On Mon, Mar 27, 2017 at 4:06 PM, City of Pittsburg <webmaster@ci.pittsburg.ca.us> wrote:

Public Hearing Notices for 4/6/17

Posted Date: 3/27/2017

Zoning Administrator Hearing: 4/6/17, 4:00 p.m.

- [Pittsburg High School Protected Tree Removal, AP-16-1212 \(ZA\)](#)

To see all current public hearing notices, please [click here](#).

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